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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,218	09/11/2003	Gregory Richard Hintermeister	ROC920030242US1	7694
30206	7590	12/22/2005	EXAMINER	
IBM CORPORATION ROCHESTER IP LAW DEPT. 917 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829				AJIBADE AKONAI, OLUMIDE
		ART UNIT		PAPER NUMBER
				2686

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/660,218	HINTERMEISTER ET AL.
	Examiner Olumide T. Ajibade-Akonai	Art Unit 2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4-6,8-11 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4-6,8-11 and 16-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 6, 8, 11, 16, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by **McKay (20020187788)**.

Regarding **claim 1**, McKay discloses a method comprising detecting that a connection is lost while a call between a telephone and a party is in progress (server computer detects a disconnection on second parties side, see fig. 6, p.4, [0034]-[0036]), prompting for a message in response to the detection (server computer receives instructions from the second party to attempt a reconnection, see fig. 6, p.4, [0037]), saving the message until the connection is available (server computer saves the context of the call until the connection is re-established, see p.4, [0039]-[0040]), sending the message after the connection is available to the party of the call (server sends context of message after reconnection, see fig. 6, p.4, [0039]-[0040]), and requesting, from the telephone to a server, that the server send a transcript of the previously sent messages stored at the server from the server to the party of the call after the connection is available (mobile subscriber reestablishes connection with the mobile communications

network, chooses to continue with prior activity before the disconnection when prompted, and saved context at the server computer is then restored, see fig. 6, p.4, [0041]-[0042]).

Regarding **claim 4**, as applied to claim 1, McKay further discloses wherein the sending further comprises sending the message to the party via the server (a first and second party are involved in a telephone call via a mobile communications network in which a server computer is coupled to the BSC of the mobile communications network, see figs. 1 and 6, p.2, [0023], p.4, [0034]).

Regarding **claim 6**, McKay discloses an apparatus (server computer coupled to the BSC of a mobile communications network, see fig. 1, p.2, [0023]) comprising: a means for detecting that a connection is unavailable while a call between a telephone and a party is in progress (server computer detects a disconnection on second parties side, see fig. 6, p.4, [0034]-[0036]), means for receiving at least one message (server computer receives instructions from the second party to attempt a reconnection, see fig. 6, p.4, [0037]), means for saving at least one message until the connection is available (server computer saves the context of the call until the connection is re-established, see p.4, [0039]-[0040]), means for sending the at least one message to the party of the call after the connection is available (server sends context of message after reconnection, see fig. 6, p.4, [0039]-[0040]), and means for requesting from the telephone to the server, that a server send a transcript of previously sent messages stored at the server from the server to a party of the call after the connection is available (mobile subscriber reestablishes connection with the mobile communications network, chooses to continue

with prior activity before the disconnection when prompted, and saved context at the server computer is then restored, see fig. 6, p.4, [0041]-[0042]).

Regarding **claim 8**, as applied to claim 6, McKay further discloses wherein the means for sending the at least one message further comprises means for sending the at least one message via the server (a first and second party are connected by a telephone call or communications network, and server computer coupled to the BSC of a mobile communications network, see figs. 1 and 6, p.2, [0023], p.4, [0034]).

Regarding **claim 11**, McKay discloses a signal-bearing medium encoded with instructions (server computer coupled to the BSC of a mobile communications network, see fig. 1, p.2, [0023]), wherein the instructions when executed comprise: detecting that a connection is lost while a call between a telephone and a party is in progress (server computer detects a disconnection on second parties side, see fig. 6, p.4, [0034]-[0036]), prompting for a message in response to the detecting (see p.4, [0037]), receiving the message in response to the prompting (server computer receives instructions from the second party to attempt a reconnection, see fig. 6, p.4, [0037]), determining whether the connection is available (see p.4, [0036]-[0037]), if the connection is unavailable, saving the message until the connection is available (server computer saves the context of the call until the connection is re-established, see p.4, [0039]-[0040]), sending the message to the party of the call after the connection is available (server sends context of message after reconnection, see fig. 6, p.4, [0039]-[0040]), and requesting from the server, that a server send a transcript of the previously sent messages stored at the server from the server to a party of the call after the connection is available (mobile

subscriber reestablishes connection with the mobile communications network, chooses to continue with prior activity before the disconnection when prompted, and saved context at the server computer is then restored, see fig. 6, p.4, [0041]-[0042]).

Regarding **claim 16**, Mckay discloses a server (a server computer is coupled to the BSC, see p.2, [0023]) comprising: a processor (central processor unit, see p.2, [0023]), a storage device (memory, see p.2, [0023]) encoded with instructions (software programs, see p.2, [0024]), wherein the instructions when executed on the processor comprise: receiving a command (server computer receives instructions from the second party, see p.4, [0037]), wherein the command designates a destination (the instructions from the second party to attempt a reconnection with the first party, see p.4, [0037]) and a criteria (calling party number, see p.4 [0039]), and wherein the command is sent to the server from a telephone in response to the server detecting that a connection is lost while a call from the telephone to a party is in progress (server computer receives instructions from the second party to attempt a reconnection, see fig. 6, p.4, [0037]), retrieving a transcript of previously-sent messages at the server (call context is stored in a storage device in the server, see p.4, [0040]) based on the criteria (server computer goes back to the context stored in a database in attempting restore disconnected call, see p.4, [0040]), determining whether the connection is available (server attempts to restore pre-disconnection status to the connection, see p.4, [0040]), and when the connection is available, sending the transcript of previously-sent messages to the destination, wherein the destination comprises the party to the call (mobile subscriber reestablishes connection with the mobile communications network, chooses to continue

with prior activity before the disconnection when prompted, and saved context at the server computer is then restored, see fig. 6, p.4, [0041]-[0042]).

Regarding **claim 17**, as applied to claim 16, Mckay further discloses wherein the criteria further comprise an identification of a sender (calling party number, see p.4, [0039]) that previously sent the saved message via the server (two or more entities involved in a telephone or data call via telecommunications equipment, see p.4, [0033]-[0034]).

Regarding **claim 18**, as applied to claim 16, Mckay further discloses wherein the criteria further comprise an identification of a receiver (called party number see p.4, [0039]) that previously received the saved message from the server (two or more entities involved in a telephone or data call via telecommunications equipment, see p.4, [0033]-[0034]).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 9, 10, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **McKay (20020187788)** in view of **Provost et al (20040203948)**.

Regarding **claim 5**, as applied to claim 4, McKay discloses the claimed

invention except further comprising receiving an acknowledgement from the server, and presenting the acknowledgement.

In the same field of endeavor, Provost et al teaches receiving an acknowledgement from the server (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message, see fig. 1, p.4, [0107]), and presenting the acknowledgement (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message by email, see fig. 1, p.4, [0107]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of McKay for the benefit of providing a means for acknowledging that the destination mobile terminal has read a message sent from a transmitter terminal.

Regarding **claim 9**, as applied to claim 8, McKay discloses the claimed invention except further comprising means for receiving an acknowledgement that the at least one message was received at the server, and presenting the acknowledgement.

In the same field of endeavor, Provost et al teaches a means for receiving an acknowledgement (information about the status of the messages that have been sent, see p.4, [0101]) that the at least one message was received at the server (intermediary server 3 sends a message to the sender giving information about the status of messages sent to the mobile terminal 2 through the intermediary server 3, see p.4, [0101]), and presenting the acknowledgement (intermediary server sends a

dynamic HTML page to the sender giving information about the status of messages sent, see p.4, [0101]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of McKay for the benefit of enabling the sender to keep track of message progress.

Regarding **claim 10**, as applied to claim 8, McKay discloses the claimed invention except further comprising means for receiving an acknowledgement that the at least one message was sent from the server to the party, and means for presenting the acknowledgement.

In the same field of endeavor, Provost et al discloses a means for receiving an acknowledgement that the at least one message was sent from the server to the party (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message, see fig. 1, p.4, [0107]), and means for presenting the acknowledgement (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message by email, see fig. 1, p.4, [0107]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of McKay for the benefit of providing a means for acknowledging that the destination mobile terminal has read a message sent from a transmitter terminal.

Regarding **claim 19**, as applied to claim 16, Mckay discloses the claimed

invention except wherein the instructions further comprise sending an acknowledgement to an originator of the command after the receiving.

In the same field of endeavor, Provost et al discloses sending an acknowledgement to an originator of the command (sender of the message, see p.4, [0101]) after the receiving (intermediary server sends a dynamic HTML page to the sender giving information about the status of messages sent, see p.4, [0101]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Mckay into the system of McKay for the benefit of enabling the sender to keep track of message progress.

Regarding **claim 20**, as applied to claim 16, Mckay discloses the claimed invention except wherein the instructions further comprise sending an acknowledgement to an originator of the command after the sending.

In the same field of endeavor, Provost et al discloses wherein the instructions further comprise sending an acknowledgement to an originator (sender of the message, see p.4, [0101]) of the command after the sending (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message, see fig. 1, p.4, [0107]).

It would therefore have been obvious to one of ordinary skill in the art to further modify the combination of McKay and Provost et al for the benefit of providing a means for acknowledging that the destination mobile terminal has read a message sent from a transmitter terminal.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 6, and 11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments regarding claim 16 filed October 11, 2005 have been fully considered but they are not persuasive.

Regarding **claim 16**, Applicant asserts that McKay does not teach or suggest claimed invention. Examiner respectfully disagrees. Examiner asserts that McKay discloses a server computer that reconnects a first and second party after they have been disconnected and to restore the context of the call before the disconnection. The context of the call includes the amount of data transmitted and any data stored in the transmit buffer of the server computer that was to be sent to the mobile terminal (see p.4, [0039]-[0040]). In addition, McKay discloses wherein the server computer receives instructions from the second party to attempt a reconnection after which the server sends the context of the call (see p.4, [0037]-[0040]). Therefore the examiner maintains the rejection based on the above explanation, which clearly details the similarities of McKay and the applicant's claimed invention. Claims 16-20 stand rejected.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Park (20050130632) discloses a method and device for providing information of unfinished call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olumide T. Ajibade-Akonai whose telephone number is 571-272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.  
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OA



CHAIYANA P. PIAH  
PRIMARY EXAMINER